

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04 11539 JLT

**WALTER STICKLE, ANTHONY
CALIENDO, JOHN PITINGOLO and
DANIEL FISHER,
Plaintiffs**

v.

**ARTHUR ORFANOS,
Defendant**

**AFFIDAVIT OF STEVEN M. TAYLOR IN ACCORDANCE
WITH D. MASS. R. 7.1(A)(2)**

1. I am counsel for the Plaintiffs and familiar with the facts I am about to relate.

2. On May 29, 2008, after Defendant had failed to render seven (7) monthly payments of twenty-five dollars (\$25.00) to my office, I contacted Defendant by telephone as a good faith attempt to request Defendant's overdue payments and request his compliance with this Court's June 7, 2007 Order. Defendant stated that his income and circumstances have not changed, that he was broke, and was considering filing for bankruptcy. Defendant represented that he would try to send me his overdue payments within one week.

3. On June 5, 2008, I received a twenty-five dollar (\$25.00) check from the Defendant for Defendant's overdue November 2007 balance. Defendant did not pay his overdue balance for the months of December 2007 through June 2008.

4. On June 9, 2008, I received a letter from the Defendant stating that, “[d]ue to my financial situation, I am unable to make payments on time but anticipate being able to send you additional payment on or before the end of this month.”

5. On June 10, 2008, I contacted Defendant by telephone as a good faith attempt to request Defendant’s overdue payments whereby I instructed Defendant that Plaintiffs would file a motion for civil contempt unless Defendant paid his outstanding monthly balance by June 30, 2008. At that time, Defendant had a one hundred and seventy-five dollar (\$175.00) balance for seven outstanding payments due from December 2007 through June 2008.

6. On June 30, 2008, I received a twenty-five dollar (\$25.00) check from the Defendant representing Defendant’s overdue December 2007 balance.

7. On August 14, 2008, I once again contacted Defendant via telephone as a good faith attempt to request the overdue payments. I instructed Defendant that Plaintiffs intend on filing a motion for civil contempt unless Defendant pays all outstanding monthly balances by August 21, 2008.

8. On August 19, 2008, I received a twenty-five dollar (\$25.00) check from the Defendant representing Defendant’s overdue January 2008 balance.

9. No further payments have been made by the Defendant since his August 19, 2008 payment. Defendant currently owes two hundred dollars (\$175.00), representing his overdue monthly payments from February through August 2008.

10. I hereby certify that I have, in good faith, conferred or attempted to confer with the other party in an effort to resolve this dispute without court action in accordance with D. Mass. R. 7.1(A)(2).

11. Because Defendant has egregiously violated Magistrate Judge Alexander’s clear and unambiguous June 7, 2007 Order, this Court should hold

Defendant in contempt and award Plaintiffs' their attorneys' fees incurred in drafting and filing its Motion for Civil Contempt. Furthermore, this Court should reinstitute the \$200.00 per month payment schedule that was originally entered on February 15, 2007, because of Defendant's irreverence to adhere to his requested June 7, 2007 payment modification.

12. Plaintiffs respectfully request that their Motion for Civil Contempt be granted for the reasons set forth in the accompanying motion.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25th DAY OF AUGUST 2008.

/s/ Steven M. Taylor

Steven M. Taylor (657829)

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within document was served upon the defendant, Arthur Orfanos, by first-class mail this 25th day of August 2008.

/s/ Steven M. Taylor

Steven M. Taylor